

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2625 of 2019**

- Radheshyam S/o Shiv Prasad Aged About 20 Years Caste Teli, R/o Village Banjaridand, P. S. And Tahsil Khadgawan, District Koriya CG

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Baikunthpur, District Koriya CG

---- Respondent

For applicant	Mr. Ashok Shukla, Adv.
For Respondent/State	Mr. Vikram Dixit, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****9-5-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 77/2019 registered in police station Baikunthpur, Distt. Koriya (CG) for offence punishable under Sections 363, 366, 506 and 342 of IPC.
3. Perused the case diary.
4. Prosecution story in brief is that on 18-3-2019 prosecutrix was more than 16 years of age and below 17 years. She is resident of village Banjari Dand. On 18-3-2019 at about 17.30 hour in front of Higher Secondary School at village Mansukh, the applicant forced the prosecutrix to sit in his Omni vehicle and took her to Manendragarh. He threatened her to beat her. He also asked her to marry him.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. In the FIR it has been mentioned that the applicant on saying of prosecutrix also allowed one Jitendra, who was standing on the road, to sit in his vehicle. This is an abnormal conduct of the prosecutrix. There was previous intimacy between him and her. Possibility of false implication cannot be ruled out. The applicant is in jail for last 1 and ½ month. Ingredient of Section 366, IPC are lacking in the case. Hence he may be released on bail.

6. On the other hand, the State Counsel opposed the bail application.
7. Above mentioned grounds raised by the counsel for the applicant are subject matter of scrutiny of evidence which this Court cannot do at this stage. It is well settled legal position that while deciding the bail application court cannot consider the merits and demerits of the case. Prima facie it cannot be said that provision of Section 366 of the IPC are not attracted in the case.
8. Looking to the above mentioned facts and circumstances of the case, prima facie evidence available on record against the applicant, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
9. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge